

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 27-32, 34, 36, 59, 62-74, 77-78 and 81-83 are pending in the application, with claims 27, 28, 72 and 73 being the independent claims. Claims 58, 61, 75-76 and 79-80 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 81-83 are sought to be added. Support for the new claims can be found throughout the specification, *inter alia*, at page 34, lines 1-7. The specification has also been amended to provide the status of the referenced applications. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 27-32, 34, 36, 58-59 and 61-80 were rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Not in acquiescence in the propriety of the rejection, but rather solely to advance prosecution, Applicants have amended the claims to include a sorting step to minimize the number of junctional epitopes. In addition, claims 58 and 61 have been cancelled. Lastly, Applicants respectfully assert that claims 59 and 74-80 are supported by the sections of the specifications cited in the previous reply. For example, claim 74 which recites the steps of introducing the multi-epitope polypeptide into a cell and determining processing

are clearly supported by page 36, line 17 - page 37, line 13. Therefore, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 28-31, 62-63 and 68-80 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Applicants have amended the claims to set forth the amino acid identities for the amino acid abbreviations recited. Furthermore, claims 75 and 76 have been cancelled and claims 62 and 63 have been amended to clarify that one polypeptide is produced. Therefore, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 102

Claims 27, 32, 34, 36, 59 and 72 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Bergmann *et al.* (*J. Immunol.* 157:3242-3249 (1996)). Applicants respectfully traverse the rejection as it may be applied to the amended claims. To anticipate, "the reference must teach every aspect of the claimed invention either explicitly or impliedly" see M.P.E.P § 706.02. Bergmann *et al.* discloses multi-epitope polypeptides containing two CTL epitopes. In contrast, the pending claims require five or more epitopes to be incorporated into the multi-epitope polypeptide. Therefore, Bergmann *et al.* does not disclose every aspect of the claimed invention. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Claims 27, 59 and 72 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Whitton *et al.* (*J. Virol.* 67:348-352 (1993)). Applicants respectfully traverse the rejection as it may be applied to the amended claims. Whitton *et al.* discloses multi-epitope polypeptides containing two CTL epitopes. In contrast, the pending claims require five or more epitopes to be incorporated into the multi-epitope polypeptide. Therefore, Whitton *et al.* does not disclose every aspect of the claimed invention. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Claims 27-29, 32, 34, 36, 62-63, 72-73, 75-76 and 77-80 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Sette *et al.* (U.S. Patent No. 6,689,363 B1). Applicants respectfully traverse the rejection as it may be applied to the amended claims. Sette *et al.* does not disclose multi-epitope polypeptides containing five or more epitopes; therefore, it does not disclose every aspect of the claimed invention. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

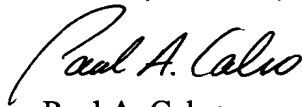
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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